

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: DECEMBER 20, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-25461 - APPLICANT/OWNER: MARK AND LINDA MCKINLEY TRUST**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This request is for a Variance (VAR-25461) to allow a seven-foot side yard setback where ten feet is the minimum required on 0.53 acres at 3105 Conners Drive. The proposed addition is to an existing single family residence located within a Rural Preservation Overlay District. This request is a 30% deviation from the requirement of a ten foot side yard setback. The applicant's proposed garage addition has created a self-imposed hardship; staff recommends denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
06/19/2002	The City Council approved a General Plan Amendment (GPA-0047-01) that amended portions of Charleston Boulevard and Rancho Drive intersection from: SC (Service Commercial) to: O(Office); from: R (Rural Density Residential) to: DR (Desert Rural Density Residential); from: O (Office) to: DR (Desert Rural Density Residential) and; from: L (Low Density Residential) to: DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan. The Planning Commission recommended denial, whereas staff recommended approval.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no permits or licenses related to this request.	
<b><i>Pre-Application Meeting</i></b>	
10/17/2007	A Pre-Application meeting was held to discuss the requirements for submitting this Variance.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	.53

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District – 140 Feet	X		Yes
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>	X		Yes
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Per 19.08.040, the following development standards are required:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	23,141 SF	Yes
Min. Lot Width	100 Feet	112 Feet	Yes
Min. Setbacks			
• Front	30 Feet	41 Feet	Yes
• Side	10 Feet	7 Feet	No
• Corner	N/A	N/A	N/A
• Rear	35 Feet	35 Feet	Yes
Max. Lot Coverage	N/A	23.7%	N/A
Max. Building Height	2 Stories or 35 Feet	15'1"	Yes

## ANALYSIS

The applicant proposes a garage addition with a seven-foot side yard setback where ten feet is the minimum required. All other requirements of Title 19 are satisfied by this proposal. This addition to this existing single family home is designed to preserve the existing décor of this neighborhood and its rural character as required in a Rural Preservation Overlay District. This proposed addition encroaches into the side yard setback of this property, whereas an alternative design would not. This design has created a self-imposed hardship and is not an adequate reason for this Variance. Staff recommends denial of this request.

## FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

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1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing an addition that encroaches into the side yard setback. An Alternative proposal designed with a ten-foot side yard setback would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 6

**NOTICES MAILED** 171

**APPROVALS** 6

**PROTESTS** 0